CLASS B

App. F. IX—6

Previous Reference 1963 (F.-B.)

File No. 1355

Serial Nos. FCL 63

Later References

22/3/63

Agriculture & Forest Department

THE MYSORE GOVERNMENT SECRETARIAT

Forest 29-3-63 FD 23-10-63

Serial Nos. Noting : 7
Corr : 7

Part B for

SUBJECT

Regularisation of encroachments in Betta & Forest lands.

WB 99983—SPB—3,00,000—1-6-61

FOR MEMORANDUM BOOK
M.N. Ansari
for

A Vatsala.R
1.4.04

AFD 55 FGL 63

Sub:- Regularisation of encroachments in Betta and Forest lands.

Letter No. RB/FOR-SR dated 5-3-1963 from the Divisional Commissioner, Belgaum.

1) P.U.D. is for perusal. Government in their letter No. AFD 6 MRP 58 (Sup-II) dated 4-6-1959* have directed that the existing cultivation in the Betta lands and encroachments by way of culti - vation of forest lands may be regularised provided the encroachers do not holdx lands in excess of economic holdings inclusive of the area encroached upon, unless the area to be granted is a fragment. This was issued when the Law of economic holdings prescribed under the Tenancy (B.R. and A.L. Act, 1948) Act was in force for the purpose of grant of lands. But in view of the Rule 37 of the B.L.R (Mysore Amendment) Rules, 1960, the ceiling area fixed under the B.T. and A.L. Act, 1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Hence, as the economic holding is no more in force for the purpose of granting lands, the Divl. Commr., has requested modification of the G.L. dated 4-6-1959, so as to enable the D.C., North Kanara to take up the cases of regularisation, where the holding inclusive of the area encroached upon does not exceed the ceiling area.

* Flag ' R'

2) However, before we take further action in the matter, we may consult the C.C.F. in the matter.

Draft put up.

22/3

Issue
24/3/63

Issued on 28/3/63

AFD 55 F Vol 63 3

Mysore Government Secretariat

File No. of 196 . [App. F. III 2

Serial No.

Letter no. A_2 (a) CCF/2-5/57 dt 25-6-63 of the CCF. D. no. 5198/63.

3) Put up for perusal. The CCF is not agreable to the proposal of the Dist Comr., in view of the report furnished.

4) However, before we take further action, R.D may also see for remarks, if any, on the proposal of the Dist Comr., & the CCF report.

5) CR 27/6

F. to R.D. remarks.

RD) 28/6

Revenue 'B':-

6) We have issued directions in Circular No.RD 78 LAD 61 dated the 18th May, 1961 regarding confirmation of unauthorised cultivation of lands that "the total holding of the grantee inclusive of the area under unauthorised occupation proposed to be confirmed shall not exceed an extent required to make him a sufficient holder". The question of ceiling limit does not arise in this case.

Office of the Registrar R.D. 29 JUN 1963

5639 4 JUL 1963

Note.—Conln. Sheet

We may agree to the views of the C.C.F.

7) MR 9/7/63 6/12/63 The G.L. AFD 6 M RP 58 dated 4-6-59. is flagged K in the collection placed below. under the terms of this letter. Encroachments of forest lands were to be regularised provided the encroachers do not hold lands in excess of Economic holding including of the area encroached upon. The Economic holding is no more in force consequent on the ceiling limit fixed by the Mysore amendment Rules 1960. The Divl Com^r requests modification of the orders issued by AFD. 4-6-59 to enable Regularisation of encroachments up to ceiling limit. By this modification the Economic holding will automatically go to ceiling limit (that is 3 times the area of Economic holding) The CCF who was consulted does not agree to regularisation He says if the ceiling limit is brought down (ie to the level of Economic holding) he says he has no discretion to regularisation. He is not inclined to part with any more forest lands

AFD 55 FLR 63

Mysore Government Secretariat

File No. RD 67 LAD of 196 63 [App. F. III 2 5639

Serial No.

This is a matter for the Agr Deptt for further action

12/7/63

8) We may agree with the views of the Ref. The Ceiling area is only meant for confirmation of GHF leases and not encroachment. No encroacher can get any area unauthorisedly cultivated in excess of the economic holding irrespective of the duration of the encroachment in view of Para 3 (c) of the Circular No. RD 78 LAD 61 dated 18th May 1961

14/8 D.S. 14.8.63 16.8.63 D.S.R.D

Seen

9) This question was considered at the Forest Conference held at Sirsi recently. It was then agreed that as the encroachments in betta lands were of a special nature and as the BT & AL Act permitted the grant of lands upto the ceiling limit, encroachments in Betta lands should be regularised upto the limits fixed in the G.O. dated 19/5/1958 provided that the land already held by the party and the area

Sri MLR

Pl. pick up the file leading to the issue of Bombay Land Grant Rules 1960

7/8 A.

File No RD. 6. LAD 60 is placed below. Disliked 14/8

DEPUTY SECRETARY TO GOVT. No 6495 16 NOV 1963 REVENUE DEPARTMENT

REVENUE DEPARTMENT No 7994 GOVERNMENT OF MYSORE

Note.—Contn. Sheet

Regularisation of encroachments in Betta and Forest lands 6

4

A FD File No. 55 FGL of 1963.

Mysore Government Secretariat

Serial No.

encroached upon did not together exceed the ceiling limit. I suggest that orders may be issued by the A & FD accordingly.

The issue of the ~~G~~ orders relating to the Betta lands would not affect the general orders issued by the RD on 18/5/61. This point may be brought out clearly in the G.O. to be issued by the A & FD to avoid any possible confusion that might otherwise arise

7994

20/8/63
Rev. secy.

MYSORE GOVT. SECRETARIAT
880
21 AUG 1963
REVENUE & FOREST DEPT. (TAPPAL)

A & FD

10) Ref: para 9 n/7.

The regularisation of ~~betta~~ encroachment ~~lands~~ in betta lands should be regularised as per G.O. No. 18-5-1961 and the

21/8/63

Mysore Government Secretariat

AFD 55 Fee 63 7

File No. of 196 . [App. F. III 2 5

Serial No.

issue of orders w/r to para 9 n/7 happens to be of a general nature, Subd., for order,

OR
22/8.

11) The view of which has been detailed in para 9 n/7 it is for consideration whether a G.O. may be issued from the A&F Dept. withdrawing the general orders of R.D dated 18.8.61.

12) As directed, Off G.O. is put up. (Ref: para 9 n/7)

24/8

C.W. PI Speak. 28/8/63

OR
29/8 & 30/8

13) Please put up a typed draft G.O as revised.

(14) Typed Off. G.O. is put up. Before issue, R.D may also see the G.O.

BR 2/9/63

OR
5/9

15 R.D. may see before issue

R.D) BR 11/9/63

Office of the Registrar B.D. Date 12 SEP 1963

Contn. Sheet

13-9-63

16) We may agree to the issue of the draft G.O put up by AFD. Ref para 9.

18/9/63

20.9.63

17) Some verbal alterations have been made in the draft G.O. The A & FD may kindly consider whether the G.O may be issued incorporating the changes to made

24/9/63

A & FD

18) The draft G.O as modified by the R.D. may be approved. This is to accord sanction for the regularisation of encroachments in Belt of Forest lands as per decision taken at the recent Conference held at Sirsi which is to implement the G.O dated 19.5.1958. It is also clarified in the draft G.O that they get this Concession

280

9253

GOVT. SECRETARIAT 1078 24 SEP 1963 KOPPAL

25/9/63

Serial No.

only if the land was under occupation on that ~~day~~ date.. (Vide Para 9 of N-7)

DEPUTY SECRETARY TO GOVT. AGRICULTURE & FOREST DEPTT. NO. 6287 25 SEP 1963

JR
25/9/63.

D.S.

V. M. VENKATAM,
Deputy Secretary,
Agriculture and Forest Departments.

SECRETARY GOVERNMENT OF MYSORE 5060 5 SEP 1963

Secy. For kind perusal & appl.

V. C. PRABHAKARA,
Secretary to Government,
Agriculture & Forest Departments.

THE MINISTER FOR FOOD & AGRICULTURE BANGALORE. F-2530/6

Minister for Forests. Approved
BR 30.9.63

S. A&F)

AGRICULTURE & FOREST SECRETARY GOVERNMENT OF MYSORE 30 SEP 1963

Issue

JR
1/10/63

ISSUED
Date 23-10-1963

B
23/10/63

Note.—Contn. Sheet

C. F. No. 45]

GOVERNMENT OF MYSORE

Telegram / phone

No. RB/FOR SR.

Encls.

OFFICE OF
the Divisional Commissioner,
Belgaum.

Date 5-3-1963.

MYSORE GOVT. SECRETARIAT
13 MAR 1963
U. T. TARPAL SECTION

To

The Secretary to Government,
Agriculture & Forests Dept. Bangalore.

AFD SS FGL 63

Sub : Regularisation of encroachments in Betta and Forest lands.

In letter No. AFD 6 MRP 58(Suppl) dated 4-6-1959, Government in Agriculture & Forests Dept. have informed that the existing cultivation in the Betta lands and encroachments by way of cultivation of forest lands may be regularised provided the encroachers do not hold lands in excess of economic holding inclusive of the area encroached upon, unless the area to be granted is a fragment. This was issued when the Law of economic holding prescribed under the tenancy (B.T.& A.L.Act,1948) Act was in force for the purpose of grant of lands. But, in view of Rule 37-O of the B.L.R.(Mysore Amendment) Rules,1960, the ceiling area fixed under the B.T.& A.L.Act,1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Therefore, as the economic holding is no more in force for the purpose of granting lands, the Govt. letter dated 4-6-1959 may kindly be modified suitably so as to enable the Deputy Commissioner, North Kanara to take up the cases for regularisation, where the holding, inclusive of the area encroached upon does not exceed the ceiling area. Govt. may kindly be moved to issue early orders in the matter.

MYSORE GOVERNMENT SECRETARIAT
14 MAR 1963

Yours faithfully,

(M.A.Hamigi)
For Divisional Commissioner, Belgaum.

O.C. signed by Divl. Commr.

Eco. holding
(1) 16 a. [illegible] dry
(2) 8 a. seasonally irrigable or [illegible]
(3) 4 a. perennially irrigable
Exp th
LN 03955/97037 dated 20.10.55 of Bombay

	ceiling limit	Sufficient
(1)	4/8	10 acres
(2)	24	
(3)	12	

AFD 55 FGL 63 Ist one Dt 28.3.63

To

C.C.F.

Sir,

Sub:- P.U.D.

IN enclosing a copy of letter No. RB/-FOR-SR dated 5-3-1963 of the Divl. Commr., Belgaum, on the subject mentioned above, I am to request you to offer your remarks to Government early.

Y.F.,

U.S., A&F

No.A2(a)CCF/2-5/57.

Chief Conservator's Office
Bangalore: Dated: 25 June 1963.

To

The Secretary to Government
Agriculture and Forest Department
Bangalore.

Sir,

Sub:--Regularisation of encroachments in Betta and Forest Lands.

Ref:--Your letter No.AFD 55 FGL 63 dated 28-3-63.

The existing encroachment ie. on the date of issue of G.O.No.AFD 6 MRP 58 dated 19-5-58 were ordered to be regularized provided the encroachers did not hold lands in excess of the economic holding inclusive of the land encroached. ~~If~~ The ceiling limit the economic holding has been raised by Government, subsequently in their amendment to Rule 37 of the R (Mysore Amendment) Rules 1960, the enhanced scale should not be applied as the intention of the Government was only to regularise the already incroached land. Otherwise the encroacher will get further scope to encroach the land to the ceiling limit prescribed under the amended rules. If the ceiling limit in the amended rules has been brought down, then there would be no objection to limit the regularization of the encroachment to the revised ceiling limit of the economic holding. By doing so there will be no scope for further encroachment of the land by the encroachers. I am not inclined to part with any more forest ~~and~~ land for cultivation by way of encroachment, which is most unlawful.

Yours faithfully,

(N.S.Kaikini)
Chief Conservator of Forests.

13

The C.C.F. who was consulted in the matter has stated that subsequent to the amendment to Rule 37 of the B.L.R.(Amendment)Rules, 1960, the enhanced scale should not be applied, as the intention of the Govt. Order dated 19-5-1958 was only to regularise the occupation of the land already encroached upon as ~~land~~ on the date of the issue of Govt. Order dated 4-6-1959. It has added ~~therefore C.C.F. feels~~ that there is no objection ~~of~~ to ~~limit~~ the regularisation of the encroachment being limited to the revised ceiling limit of the economic holdings. ~~which when done would will not give scope for further encroachment of the land.~~

O R D E R

Govt. ~~after due consideration~~ are pleased to order that since the encroachments in betta lands ~~were~~ are of a special nature and as the B.T. and A.L. Act permits the grant of the land up to the ceiling limit, encroachments in Betta lands should be regularised upto the limit fixed in the Govt. Order dated 19-5-1958, provided that the ~~they hold the~~ land was under occupation on the date of the Govt. Order and that the area encroached upon did not together exceed the ceiling limit fixed.

It is further clarified that the general orders issued by Government in their Circular No.RD 73 LAD 61 dated 18-5-1961 would not be affected by the present order while regularising the encroachments.

By Order and in the name of the
Governor of Mysore,

Under Secretary to Government,
Agriculture & Forest Department.

To
The C.C.F.
The Dvl.Commr. Belgaum.
D.C. N.K. Dist.
C.F. Belgaum.
R.D.
Weekly Gazette.

(2)

14

5

Regularisation of encroachments in Betta and Forest lands.

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PROCEEDINGS OF THE GOVERNMENT OF MYSORE

ORDER NO.AFD 55 FGL 63

BANGALORE, DATED, SEPTEMBER, 1963.

READ:-

1) G.O.No.AFD 6 MRP 58 dated 19-5-1958.
2) Govt.letter No.AFD 6 MRP 58 dated 4-6-1959.
3) Govt. Circular No.RD 78 LAD 61 dated 18-5-61.
4) Letter No.RB/FOR.3R dated 5-8-63 of the Divisional Commissioner, Belgaum.
5) Letter No.A2(a) CCF/2-5/57 dated 25-6-63 of the C.C.F. Bangalore.

ISSUED
Date 23-10-1963

PREAMBLE:

Govt. in their order No.AFD 6 MRP 58 dated 19-5-58 has ordered the regularisation of land provided the encroachers did not hold lands in excess of the economic holdings including the land encroached.

According to Govt. letter dated 4-6-1959, it was directed that the existing cultivation in Betta lands and encroachments by way of cultivation of forest land may be regularised provided the encroachers do not hold lands in excess of the economics holdings inclusive of the area encroached upon unless the area to be granted is a fragment. These instructions were issued when the ~~law~~ unit of economic holdings prescribed under the Tenancy Act (B.T. & A.L. Act 1948) ~~which was in force for the purpose of grant of lands~~. But as per rule 37 of the B.L.R. (Mysore Amendment) Rules, 1960, the ceiling area fixed under the B.T. & A.L. Act, 1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Hence, as the economic holdings is not more in force for the purpose of granting lands, the Divisional Commissioner has requested the modification of the Govt. Letter dated 4-6-1959, so as to enable the Deputy Commissioner, North Kanara Dist., to take up the cases of regularisation where the holdings inclusive of the area encroached upon does not exceed the ceiling area.

1 the grant of Govt lands was governed keeping in view

...2

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Regularisation of encroachments in Betta and Forest lands.

ORDER NO. AFD 55 FGL 63

BANGALORE DATED THE ~~10th~~ 23rd OCTOBER 1963

READ:-

Government Order No.AFD 6 MRP 58 dated 19-5-1958.

2. Government letter No.AFD 6 MRP 58 dated 4-6-1959.

3. Government Circular No.78 LAD 61 dated 18-5-1961.

4. Letter No.RB/FOR.SR dated 5-8-1963 of the Divisional Commissioner, Belgaum Division, Belgaum.

5. Letter No.A2(a)CCF/2-5/57 dated 25-6-1963 from the Chief Conservator of Forests in Mysore, Bangalore.

PREAMBLE:-

Government in their Order No.AFD 6 MRP 58 dated 19-5-1958 has ordered the regularisation of land provided the encroachers did not hold lands in excess of the economic holdings including the land encroached.

According to Government letter dated 4-6-1959, it was directed that the existing cultivation in Betta lands and encroachments by way of cultivation of Forest land may be regularised provided the encroachers do not hold lands in excess of the economics holdings inclusive of the area encroached upon unless the area to be granted is a fragment. These instructions were issued when the grant of Government lands was governed keeping in view the limit of economic holdings prescribed under the Tenancy Act (B.T. & A.L. Act 1948). But as per Rule 37 of B.L.R.(Mysore Amendment) Rules, 1960, the ceiling area fixed under the B.T. & A.L. Act, 1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Hence, as the economic holding is no more in force for the purpose of granting lands, the Divisional Commissioner has requested the modification of the Government letter dated 4-6-1959, so as to enable the Deputy Commissioner, North Kanara District, to take up the cases of regularisation where the holdings inclusive of the area encroached upon do not exceed the ceiling area.

The Chief Conaservator of Forests who was consulted in the matter has stated that subsequent to the amendment to Rule 37 of the B.L.R.(Amendment) Rules, 1960, the enhanced scale should not be applied, as the intention of the Government Order dated 19-5-1958 was only of regularise the occupation of the land already encroached upon as on the date of the issue of Government Order dated 4-6-1959 and has added that there is no objection to the regularisation of the encroachment being limited to the revised ceiling limit of the economic holdings.

O R D E R

Government are pleased to order that since the encroachments in betta lands are of a special nature and as the B.T. and A.L. Act permits the grant of the land upto the ceiling limit, encroachments in Betta lands should be regularised upto the limit fixed in the Government Order dated 19-5-1958, provided that the land was under occupation on the date of that Government Order and that the area encroached upon did not together exceed the ceiling limit fixed.

..... 2)

It is further clarified that the general orders issued by Government in their Circular No.RD 78 LAD 61 dated 18-5-1961 would not be affected by the present order while regularising the encroachments.

By Order and in the name of the
Governor of Mysore,

T.S. Ramaiya
(T.S. Ramaiya),
Under Secretary to Government,
Agriculture and Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore.

The Divisional Commissioner, Belgaum Division, Belgaum.

The Deputy Commissioner, North Kanra District.

The Conservtor of Forests, Belgaum.

The Revenue Department.

Copy to Weekly Gazette.

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PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Regularisation of encroachments in Betta and Forest lands.

ORDER NO. AFD 55 FGL 63

BANGALORE DATED THE ~~19th~~ 23rd OCTOBER 1963

READ:-

Government Order No.AFD 6 MRP 58 dated 19-5-1958.

2. Government letter No.AFD 6 MRP 58 dated 4-6-1959.

3. Government Circular No.78 LAD 61 dated 18-5-1961.

4. Letter No.RB/FOR.SR dated 5-8-1963 of the Divisional Commissioner, Belgaum Division, Belgaum.

5. Letter No.A2(a)CCF/2-5/57 dated 25-6-1963 from the Chief Conservator of Forests in Mysore, Bangalore.

PREAMBLE:-

Government in their Order No.AFD 6 MRP 58 dated 19-5-1958 has ordered the regularisation of land provided the encroachers did not hold lands in excess of the economic holdings including the land encroached.

According to Government letter dated 4-6-1959, it was directed that the existing cultivation in Betta lands and encroachments by way of cultivation of Forest land may be regularised provided the encroachers do not hold lands in excess of the economics holdings inclusive of the area encroached upon unless the area to be granted is a fragment. These instructions were issued when the grant of Government lands was governed keeping in view the limit of economic holdings prescribed under the Tenancy Act (B.T. & A.L. Act 1948). But as per Rule 37 of B.L.R.(Mysore Amendment) Rules, 1960, the ceiling area fixed under the B.T. & A.L. Act, 1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Hence, as the economic holding is no more in force for the purpose of granting lands, the Divisional Commissioner has requested the modification of the Government letter dated 4-6-1959, so as to enable the Deputy Commissioner, North Kanara District, to take up the cases of regularisation where the holdings inclusive of the area encroached upon do not exceed the ceiling area.

The Chief Conaservator of Forests who was consulted in the matter has stated that subsequent to the amendment to Rule 37 of the B.L.R.(Amendment) Rules, 1960, the enhanced scale should not be applied, as the intention of the Government Order dated 19-5-1958 was only of regularise the occupation of the land already encroached upon as on the date of the issue of Government Order dated 4-6-1959 and has added that there is no objection to the regularisation of the encroachment being limited to the revised ceiling limit of the economic holdings.

ORDER

Government are pleased to order that since the encroachments in betta lands are of a special nature and as the B.T. and A.L. Act permits the grant of the land upto the ceiling limit, encroachments in Betta lands should be regularised upto the limit fixed in the Government Order dated 19-5-1958, provided that the land was under occupation on the date of that Government Order and that the area encroached upon did not together exceed the ceiling limit fixed.

..... 2)

It is further clarified that the general orders issued by Government in their Circular No.RD 78 LAD 61 dated 18-5-1961 would not be affected by the present order while regularising the encroachments.

By Order and in the name of the
Governor of Mysore,

T.S. Ramaiya
(T.S. Ramaiya),
Under Secretary to Government,
Agriculture and Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore.

The Divisional Commissioner, Belgaum Division, Belgaum.

The Deputy Commissioner, North Kanra District.

The Conservtor of Forests, Belgaum.

The Revenue Department.

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PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Regularisation of encroachments in Betta and Forest lands.

ORDER NO. AFD 55 FGL 63

BANGALORE DATED THE ~~19th~~ 23rd OCTOBER 1963

READ:-

Government Order No.AFD 6 MRP 58 dated 19-5-1958.

2. Government letter No.AFD 6 MRP 58 dated 4-6-1959.

3. Government Circular No.78 RD LAD 61 dated 18-5-1961.

4. Letter No.RB/FOR.SR dated 5-8-1963 of the Divisional Commissioner, Belgaum Division, Belgaum.

5. Letter No.A2(a)CCF/2-5/57 dated 25-6-1963 from the Chief Conservator of Forests in Mysore, Bangalore.

PREAMBLE:-

Government in their Order No.AFD 6 MRP 58 dated 19-5-1958 has ordered the regularisation of land provided the encroachers did not hold lands in excess of the economic holdings including the land encroached.

According to Government letter dated 4-6-1959, it was directed that the existing cultivation in Betta lands and encroachments by way of cultivation of Forest land may be regularised provided the encroachers do not hold lands in excess of the economics holdings inclusive of the area encroached upon unless the area to be granted is a fragment. These instructions were issued when the grant of Government lands was governed keeping in view the limit of economic holdings prescribed under the Tenancy Act (B.T. & A.L. Act 1948). But as per Rule 37 of B.L.R.(Mysore Amendment) Rules, 1960, the ceiling area fixed under the B.T. & A.L. Act, 1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Hence, as the economic holding is no more in force for the purpose of granting lands, the Divisional Commissioner has requested the modification of the Government letter dated 4-6-1959, so as to enable the Deputy Commissioner, North Kanara District, to take up the cases of regularisation where the holdings inclusive of the area encroached upon do not exceed the ceiling area.

The Chief Conaservator of Forests who was consulted in the matter has stated that subsequent to the amendment to Rule 37 of the B.L.R.(Amendment) Rules, 1960, the enhanced scale should not be applied, as the intention of the Government Order dated 19-5-1958 was only of regularise the occupation of the land already encroached upon as on the date of the issue of Government Order dated 4-6-1959 and has added that there is no objection to the regularisation of the encroachment being limited to the revised ceiling limit of the economic holdings.

O R D E R

Government are pleased to order that since the encroachments in betta lands are of a special nature and as the B.T. and A.L. Act permits the grant of the land upto the ceiling limit, encroachments in Betta lands should be regularised upto the limit fixed in the Government Order dated 19-5-1958, provided that the land was under occupation on the date of that Government Order and that the area encroached upon did not together exceed the ceiling limit fixed.

..... 2)

It is further clarified that the general orders issued by Government in their Circular No.RD 78 LAD 61 dated 18-5-1961 would not be affected by the present order while regularising the encroachments.

By Order and in the name of the
Governor of Mysore,

T.S. Ramaiya
(T.S. Ramaiya),
Under Secretary to Government,
Agriculture and Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore.

The Divisional Commissioner, Belgaum Division, Belgaum.

The Deputy Commissioner, North Kanra District.

The Conservtor of Forests, Belgaum.

The Revenue Department.

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PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Regularisation of encroachments in Betta and Forest lands.

ORDER NO. AFD 55 FGL 63

BANGALORE DATED THE ~~19th~~ 23rd OCTOBER 1963

READ:-

Government Order No.AFD 6 MRP 58 dated 19-5-1958.

2. Government letter No.AFD 6 MRP 58 dated 4-6-1959.

3. Government Circular No.78 RD LAD 61 dated 18-5-1961.

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5. Letter No.A2(a)CCF/2-5/57 dated 25-6-1963 from the Chief Conservator of Forests in Mysore, Bangalore.

PREAMBLE:-

Government in their Order No.AFD 6 MRP 58 dated 19-5-1958 has ordered the regularisation of land provided the encroachers did not hold lands in excess of the economic holdings including the land encroached.

According to Government letter dated 4-6-1959, it was directed that the existing cultivation in Betta lands and encroachments by way of cultivation of Forest land may be regularised provided the encroachers do not hold lands in excess of the economics holdings inclusive of the area encroached upon unless the area to be granted is a fragment. These instructions were issued when the grant of Government lands was governed keeping in view the limit of economic holdings prescribed under the Tenancy Act (B.T. & A.L. Act 1948). But as per Rule 37 of B.L.R.(Mysore Amendment) Rules, 1960, the ceiling area fixed under the B.T. & A.L. Act, 1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Hence, as the economic holding is no more in force for the purpose of granting lands, the Divisional Commissioner has requested the modification of the Government letter dated 4-6-1959, so as to enable the Deputy Commissioner, North Kanara District, to take up the cases of regularisation where the holdings inclusive of the area encroached upon do not exceed the ceiling area.

The Chief Conaservator of Forests who was consulted in the matter has stated that subsequent to the amendment to Rule 37 of the B.L.R.(Amendment) Rules, 1960, the enhanced scale should not be applied, as the intention of the Government Order dated 19-5-1958 was only of regularise the occupation of the land already encroached upon as on the date of the issue of Government Order dated 4-6-1959 and has added that there is no objection to the regularisation of the encroachment being limited to the revised ceiling limit of the economic holdings.

O R D E R

Government are pleased to order that since the encroachments in betta lands are of a special nature and as the B.T. and A.L. Act permits the grant of the land upto the ceiling limit, encroachments in Betta lands should be regularised upto the limit fixed in the Government Order dated 19-5-1958, provided that the land was under occupation on the date of that Government Order and that the area encroached upon did not together exceed the ceiling limit fixed.

..... 2)

It is further clarified that the general orders issued by Government in their Circular No.RD 78 LAD 61 dated 18-5-1961 would not be affected by the present order while regularising the encroachments.

By Order and in the name of the
Governor of Mysore,

T.S. Ramaiya
(T.S. Ramaiya),
Under Secretary to Government,
Agriculture and Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore.

The Divisional Commissioner, Belgaum Division, Belgaum.

The Deputy Commissioner, North Kanara District.

The Conservtor of Forests, Belgaum.

The Revenue Department.

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PROCEEDINGS OF THE GOVERNMENT OF MYSORE

Sub: Regularisation of encroachments in Betta and Forest lands.

ORDER NO. AFD 55 FGL 63

BANGALORE DATED THE ~~19th~~ 23rd OCTOBER 1963

READ:-

Government Order No.AFD 6 MRP 58 dated 19-5-1958.

2. Government letter No.AFD 6 MRP 58 dated 4-6-1959.

3. Government Circular No.78 RD LAD 61 dated 18-5-1961.

4. Letter No.RB/FOR.SR dated 5-8-1963 of the Divisional Commissioner, Belgaum Division, Belgaum.

5. Letter No.A2(a)CCF/2-5/57 dated 25-6-1963 from the Chief Conservator of Forests in Mysore, Bangalore.

PREAMBLE:-

Government in their Order No.AFD 6 MRP 58 dated 19-5-1958 has ordered the regularisation of land provided the encroachers did not hold lands in excess of the economic holdings including the land encroached.

According to Government letter dated 4-6-1959, it was directed that the existing cultivation in Betta lands and encroachments by way of cultivation of Forest land may be regularised provided the encroachers do not hold lands in excess of the economics holdings inclusive of the area encroached upon unless the area to be granted is a fragment. These instructions were issued when the grant of Government lands was governed keeping in view the limit of economic holdings prescribed under the Tenancy Act (B.T. & A.L. Act 1948). But as per Rule 37 of B.L.R.(Mysore Amendment) Rules, 1960, the ceiling area fixed under the B.T. & A.L. Act, 1948 is prescribed for the purpose of determining the extent of land to be granted under the said rules. Hence, as the economic holding is no more in force for the purpose of granting lands, the Divisional Commissioner has requested the modification of the Government letter dated 4-6-1959, so as to enable the Deputy Commissioner, North Kanara District, to take up the cases of regularisation where the holdings inclusive of the area encroached upon do not exceed the ceiling area.

The Chief Conaservator of Forests who was consulted in the matter has stated that subsequent to the amendment to Rule 37 of the B.L.R.(Amendment) Rules, 1960, the enhanced scale should not be applied, as the intention of the Government Order dated 19-5-1958 was only of regularise the occupation of the land already encroached upon as on the date of the issue of Government Order dated 4-6-1959 and has added that there is no objection to the regularisation of the encroachment being limited to the revised ceiling limit of the economic holdings.

O R D E R

Government are pleased to order that since the encroachments in betta lands are of a special nature and as the B.T. and A.L. Act permits the grant of the land upto the ceiling limit, encroachments in Betta lands should be regularised upto the limit fixed in the Government Order dated 19-5-1958, provided that the land was under occupation on the date of that Government Order and that the area encroached upon did not together exceed the ceiling limit fixed.

..... 2)

It is further clarified that the general orders issued by Government in their Circular No.RD.78 LAD.61 dated 18-5-1961 would not be affected by the present order while regularising the encroachments.

By Order and in the name of the
Governor of Mysore,

T.S. Ramaiya
(T.S. Ramaiya),
Under Secretary to Government,
Agriculture and Forest Department.

To

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